



# Agenda

CITY CLERK'S OFFICE

DATE 2/11/12 TIME 1:50pm  
SERVED BY Geraldine Quintero  
RECEIVED BY [Signature]

## **PLANNING COMMISSION**

**March 4, 2010 – 6:00 P.M.**

**Santa Fe Community Convention Center**

**O'Keefe and Milagro Rooms**

**201 West Marcy Street**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: February 4, 2010**

**FINDINGS/CONCLUSIONS**

**Case #2009-76. Lipscomb Lot Split.**

**Case #2009-91. Trust for Public Land Lot Split.**

**Case #2009-93. Esplanade Village Final Subdivision Plat.**

**Case #2009-94. Esplanade Village Final Development Plan.**

## **E. NEW BUSINESS**

1. An ordinance amending Section 14-5.5(A)(3) SFCC 1987 regarding general standards for the South Central Highway Corridor Protection District. (Councilor Wurzbarger and Councilor Romero) (Jeanne Price, case manager)
2. A resolution adopting Landscape Irrigation Standards. (Councilor Calvert) (Dan Ransom, case manager)
3. A resolution adopting Administrative Procedures for Water Demand Offset Requirements. (Councilor Calvert) (Wendy Blackwell, case manager)
4. **Case #2010-07. The Pavilion Office Complex General Plan Amendment.** Santa Fe Planning Group Inc., agent for Richard Cook, requests approval of a General Plan Future Land Use map amendment to change the designation of 285± acres of land from Residential to Business Park. The area is located in the County of Santa Fe east of the Santa Fe Municipal Airport and west of NM599. (Dan Esquibel, case manager)
5. **Case #2010-08. The Pavilion Office Complex General Plan Amendment.** Santa Fe Planning Group Inc., agent for Richard Cook, requests approval of a General Plan Future Land Use map amendment to change the designation of 76± acres of land located within the City boundaries from Business Park to Community Commercial and an adjacent 10.8± acres located in the County from residential to Community Commercial. The area is located east of the Santa Fe Municipal Airport, west of NM599. (Dan Esquibel, case manager)

6. **Case #2010-09. The Pavilion Office Complex Annexation.** Santa Fe Planning Group Inc., agent for Richard Cook, requests annexation of 296± acres of land, located west of NM599 and south and east of the Santa Fe Municipal Airport. (Dan Esquibel, case manager)
7. **Case #2010-12. Lot Split for The Pavilion.** Santa Fe Planning Group Inc., agent for Richard Cook, requests plat approval to divide 371± acres into two lots. Tract 1-A will consist of 285± acres of land. Tract 1-B consists of 87± acres. The property is located east of the Santa Fe Municipal Airport and west of NM599. (Dan Esquibel, case manager)
8. **Case #2010-10. The Pavilion Office Complex Rezoning.** Santa Fe Planning Group Inc., agent for Richard Cook, requests rezoning of 285± acres of land from R-1 to BIP. The property is located west of NM599 and south and east of the Santa Fe Municipal Airport. (Dan Esquibel, case manager)
9. **Case #2010-11. The Pavilion Office Complex Rezoning.** Santa Fe Planning Group Inc., agent for Richard Cook, requests rezoning of 87± acres of land from R-1 to C-2. The property is located west of NM599 and south and east of the Santa Fe Municipal Airport. (Dan Esquibel, case manager)

## **F. OLD BUSINESS**

1. **Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.** David Thomas, agent for Tierra Contenta Corporation, requests final plat approval for 61.37± acres, consisting of 6 tracts for development totaling 32.73± acres, open space tracts totaling 24.89 acres, and road rights-of-way totaling 3.75± acres. This application includes variances to disturbance of slopes steeper than 30% and earthwork cut and fill slopes greater than 15 feet in height. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community). (Dan Esquibel, case manager) **(POSTPONED FROM FEBRUARY 4, 2010)**

## **G. BUSINESS FROM THE FLOOR**

## **H. STAFF COMMUNICATIONS**

## **I. MATTERS FROM THE COMMISSION**

## **J. ADJOURNMENT**

### **NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

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CITY OF SANTA FE  
PLANNING COMMISSION  
March 4, 2010

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<u>Case #2009-91.</u> TRUST FOR PUBLIC LAND LOT SPLIT	Approved	3
<u>Case #2009-93.</u> ESPLANADE VILLAGE FINAL SUBDIVISION PLAT 3	Approved	
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<u>CASE #2010-07.</u> THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285± ACRES OF LAND FROM RESIDENTIAL TO BUSINESS PARK. THE AREA IS LOCATED IN THE COUNTY OF SANTA FE EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599	Approved	10-22

**ITEM****ACTION****PAGE**

**CASE #2010-08.** THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76± ACRES OF LAND LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL, AND AN ADJACENT 10.8± ACRES LOCATED IN THE COUNTY FROM RESIDENTIAL TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599

Approved

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**CASE #2010-09.** THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT

Approved

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**CASE #2010-12.** LOT SPLIT FOR THE PAVILION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE 371± ACRES INTO TWO LOTS. TRACT 1-A WILL CONSIST OF 285± ACRES OF LAND. TRACT 1-B CONSISTS OF 87± ACRES. THE PROPERTY IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599

Approved

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**CASE #2010-10.** THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285± ACRES OF LAND FROM R-1 TO BIP. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT

Approved

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**CASE #2010-11.** THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 98± ACRES OF LAND FROM R-1 TO C-2. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT

Approved

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**ITEM****ACTION****PAGE****OLD BUSINESS**

**CASE #2009-97. TIERRA CONTENTA PHASE 2C  
REVISED FINAL PLAT AND DEDICATION PLAT.  
DAVID THOMAS, AGENT FOR TIERRA CONTENTA  
CORPORATION, REQUESTS FINAL PLAT APPROVAL  
FOR 61.37± ACRES, CONSISTING OF 6 TRACTS FOR  
DEVELOPMENT TOTALING 32.73± ACRES, OPEN  
SPACE TRACTS TOTALING 24.89 ACRES, AND ROAD  
RIGHTS-OF-WAY TOTALING 3.75± ACRES. THIS  
APPLICATION INCLUDES VARIANCES TO DISTURBANCE  
OF SLOPES STEEPER THAN 30% AND EARTHWORK  
CUT AND FILL SLOPES GREATER THAN 15 FEET IN  
HEIGHT. THE SITE IS LOCATED ON THE WEST END  
OF TIERRA CONTENTA MASTER PLAN COMMUNITY,  
ADJACENT TO NM 599, AND IS ZONED PRC (PLANNED  
RESIDENTIAL COMMUNITY)**

**Approved 23-14**

**BUSINESS FROM THE FLOOR**

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**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
March 4, 2010**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair John Salazar, at approximately 6:00 p.m., on March 4, 2010, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

John Salazar, Chair  
Boni Armijo  
Estevan Gonzales  
Ken Hughes  
Dr. Signe Lindell  
Dr. Mike Mier  
Angela Schackel-Bordegary  
Dolores Vigil

**MEMBERS ABSENT:**

Ruben Montes

**OTHERS PRESENT:**

Tamara Baer, Staff Liaison – Land Use Department  
Kelley Brennan, Assistant City Attorney  
Matthew O'Reilly, Director, Land Use Department  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Lindell, to approve the Agenda as published.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**1. MINUTES – February 4, 2010**

The following corrections were made to the minutes:

Global correction: When there is a dissenting or abstaining vote, the minutes should not indicate that the vote was unanimous – correct to show how Commissioners voted instead of “unanimously.”

Global correction: “Esplande” to “Esplanade.”

Pages 12 and 18: Correct “Heft” to “Hoeft.”

Page 17, paragraph 4, line 3, correct as follows: “...~~This is a gateway to his project.~~ Is this a gateway to his project?”

Page 19, paragraph 4, line 4, correct as follows: “... to be ~~that grade of a~~ an at-grade connection...”

Page 23, paragraph 5, line 3, correct as follows: “...it is a ~~WHIPP~~ WIPP [“Waste Isolation Pilot Project”] route...”

**MOTION:** Commissioner Armijo moved, seconded by Commissioner Vigil, to approve the minutes as corrected.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**2. FINDINGS/CONCLUSIONS**

The Findings of Fact and Conclusions of Law in Case #2009-76 and Case #2009-91, are incorporated herewith to these minutes as Exhibit “1.”

The Findings of Fact and Conclusions of Law in Case #M-2009-94 and Case #S-2009-93, are incorporated herewith to these minutes as Exhibit “2.”

**a) Case #2009-76. LIPSCOMB LOT SPLIT**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Gonzales, to approve the Findings of Fact and Conclusions of Law in Case #2009-76.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**b) Case #2009-91. TRUST FOR PUBLIC LAND LOT SPLIT**

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Mier, to approve the Findings of Fact and Conclusions of Law in Case #2009-91.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**c) Case #2009-93. ESPLANADE VILLAGE FINAL SUBDIVISION PLAT**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil, to approve the Findings of Fact and Conclusions of Law in Case #2009-93.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**d) Case #2009-94. ESPLANADE VILLAGE FINAL DEVELOPMENT PLAN**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Hughes, to approve the Findings of Fact and Conclusions of Law in Case #2009-94.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**E. NEW BUSINESS**

**1. AN ORDINANCE AMENDING SECTION 14-5.5(A)(3) SFCC 1987, REGARDING GENERAL STANDARDS FOR THE SOUTH CENTRAL HIGHWAY CORRIDOR PROTECTION DISTRICT (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (JEANNE PRICE, CASE MANAGER)**

A Memorandum prepared February 23, 2010 for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Jeanne Price, Legislative Liaison, is incorporated herewith to these minutes as Exhibit "3."

Jeanne Price presented information regarding this matter from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

Commissioner Armijo, referring to page 2, said this ordinance doesn't include parapets in indicating the height of a building.

Ms. Price said they propose to delete the language about the parapet, because the City is relying on the underlying zoning, or a total of 25 feet not including the parapet.



Commissioner Armijo said then it would be 25 feet maximum, including parapets.

Ms. Price said they are keeping the same distinction. In this district, for whatever reason, the parapet isn't included, while it is included in most districts. She said we are keeping that language, but we are saying if there is a lower standard in the underlying zoning, it will control. She said, in many cases, the 24 ft. height of an R-1, including a parapet, is going to be more restrictive than this 25 ft., not including a parapet.

Commissioner Armijo said then someone can't build a 25 ft. building, and then add a 2 ft. parapet for 27 ft., or create a deck on the top for a 29 ft. building, in following this rule.

Matthew O'Reilly's said this ordinance applies to many other parts of town besides the Old Pecos Trail Corridor, and this is a left-over from some of the areas where there are buildings with a maximum height of 36 ft. in commercial areas. In those areas, the limitation to 25 ft. height is an actual restriction of what could have been built within this setback. In this particular area, along Old Pecos Trail, it is mostly residential. In this area the maximum building height would be 24 ft. to the top of the parapet, but if there was a commercial use, it would be limited to 25 ft. plus the parapet, if there were commercial uses in the area. He believes only one commercial use currently existing in this corridor.

Commissioner Armijo said the Staff Report doesn't say this actually pertains to commercial, "and it's just out there, and I'm just making sure whether we have to clean it up here and everywhere else. I'm just concerned with that. If we're concerned about visual, and you're allowed to do... whether it's 24 ft., 25 ft., and there is no maximum height there, but to me, the height of the parapet should be included in the full height. It's what I'm trying to get to as far as all these."

Mr. O'Reilly said the old language said, "the maximum building height shall be 25 ft. not including the parapet," and this has been in the Code for a very long time. The new language says, "The maximum building height shall be the same as in the underlying district, or other overlay district...", and goes on to say what it said before." It continues, "... in no case shall exceed 25 ft., not including the parapet." This is a recognition that in this particular area, the underlying zoning is residential and 24 ft. is the maximum.

Commissioner Vigil asked what kind of notice was "put out there." She said the reason this was tabled was so you could contact the property owners, or put something in the newspaper.

Councilor Romero thanked the Commission for their service. She said, "We linked to a neighborhood meeting, "and went door to door with flyers. We contacted folks with their email list, and I'm not sure how the Candlelight area found out about what we were doing, but they're very positive about this change. And, there's people here who also would like to speak, perhaps about this change. The Arroyo Chamiso Sol y Lomas Association takes into account the DeVargas Heights, the neighborhood behind the old... I never quite know what to call it, but behind the Old Peppers, and then the neighborhood around St. Mike's High School. They actually have an organizing committee than went out door to door and sent to the email list. So, for a neighborhood meeting to get about 40 plus people out to a meeting was totally incredible. And when we asked the question how they felt in the neighborhood about this, there was an unanimous show of hands in support of this effort. So, we felt really good about the kind of the public

outreach that we had done is probably better than an ENN could ever have done, which is only 200 ft. from the area. This encompassed a large district or several neighborhoods, so it wasn't just the one neighborhood. It was several neighborhoods. And, we felt really confident about what the planning that the President and the officers of the Sol y Lomas Association had done for their outreach." She said there was no one from that Association in attendance, but she does have the sign-in sheet, noting they also called people by phone to attend the meeting. She said this is an important issue for the viewscape coming into Santa Fe.

Commissioner Vigil said she is concerned, in looking at the map, that there is one property that is within the setback and wanted to make sure they knew what had happened.

### **Public Hearing**

**Barbara Levin, Candlelight Association, 2200 [??] Street**, said she is in support to the proposed changes, and would like to see the same process applied to the St. Francis corridor as well. She said the viewscape is very important to their neighborhood, in terms of quality as well as the view.

### **The Public Testimony Portion of the Public Hearing was Closed**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Lindell, to recommend approval of the proposed ordinance to the City Council.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

*Recess: 6:25 p.m. to 6:55 p.m. to honor former Planning Commission Chair Matthew O'Reilly*

## **2. A RESOLUTION ADOPTING LANDSCAPE IRRIGATION STANDARDS (COUNCILOR CALVERT). (DAN RANSOM, CASE MANAGER)**

A Memorandum prepared for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Jeanne Price, Legislative Liaison, is incorporated herewith to these minutes as Exhibit "4."

Daniel Ransom, presented information regarding this matter from Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Bordegary said she wants to clarify that these are recommended guidelines and are not required.

Mr. Ransom the language in Chapter 14, SFCC, Section 14-8.4(E)(4), says, "Irrigation designers and installers are encouraged to use the City of Santa Fe Landscape Irrigation System Standards as a guide to minimum specifications for irrigation systems." He said this is the language that references this document. He said if there is anything in the document that says "required," it is required by an ordinance or a law somewhere, otherwise, it is recommended.

Commissioner Hughes said, referring to 1(b)(2), it says "underground storage," and you are asking people to look at this as a minimum, and Mr. Ransom said yes.

Commissioner Hughes asked if this is directed to landscape architects.

Mr. Ransom said it is directed to landscape architects as well as designers, installers, and even homeowners. He said the idea is that homeowners could use it to design and install their own systems. He said it has a lot of good information, including spacing of sprinklers, what to look for in looking at pressure, backflow prevention, all the way to scheduling the irrigation system.

Commissioner Hughes asked if Mr. Ransom if he will be working with John and others to develop standards for permeable paving.

Mr. Ransom said this has nothing to do with permeable paving.

Commissioner Hughes asked the reason permeable paving is included, and what is the context.

Mr. Ransom said the only reference to this document in Chapter 14 is the paragraph to which he referred earlier, and the rest of Chapter 14 is separate to other aspects of landscape design.

Tamara Baer said Commissioner Hughes is looking at the reference from Chapter 14 in the packet, which is part of the landscape and site design section, which is the Code. She said on the following page, Mr. Ransom referred to the Irrigation Standards, and in that paragraph the Code does refer to the irrigation system standards as a guide to minimum specifications which is the document before the Commission for approval this evening. She said there is nothing in these standards about permeable paving.

Commissioner Armijo said the standards indicate a permit is required for new installations, and asked if there is a related sq. ft., and when do you determine you need a permit.

Mr. Ransom said any irrigation system is required to get a permit, and this requirement has nothing to do with the square footage of the area. He said a permit is required any time anyone ties into the City water system.

Mr. Armijo said the standards say a permit is required for major renovations of existing irrigation systems.

Ms. Baer said irrigation systems are required for commercial installations, but not for single-family residential. She said those are reviewed as part of the building permit review. She said the main thing they're looking for, in addition to the layout and efficiency, is the backflow prevention which is specifically part of the Plumbing Code for inspections. She said if a single family residential choose to have an irrigation system, the City would inspect the backflow to ensure it is the appropriate backflow preventer and is installed correctly. He said this is a secondary permit.

Commissioner Armijo said this is required for any City water system. He asked what happens when people live in the City and have their own well.

Mr. Ransom said the permit is for City potable water for the City. He said it is recommended that any system would have a backflow preventer. However, the City permit is required only for water customers.

**MOTION:** Commissioner Hughes moved, seconded by Commissioner Lindell, to recommend the adoption of the proposed Landscape Irrigation Standards.

**VOTE:** The motion was approved unanimously on a voice vote [8-4].

### **3. ADMINISTRATIVE PROCEDURES FOR WATER DEMAND OFFSET REQUIREMENTS (COUNCILOR CALVERT). (WENDY BLACKWELL, CASE MANAGER)**

A Memorandum prepared February 22, 2010 for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Wendy Blackwell, Technical Review Division and Dale Lyons, Water Division is incorporated herewith to these minutes as Exhibit "5."

Wendy Blackwell and Dale Lyons reviewed the information in Exhibit "5," which includes the proposed changes which are in italics. Ms. Blackwell presented information on the three proposed amendments to the Administrative Procedures. Please see Exhibit "5" for specifics of this presentation.

Ms. Blackwell said the administrative procedures were approved by the Finance Committee and the Public Utilities Committee, along with the following amendments proposed by staff to the procedures:

- 1. Amend Section 2.1.1(h) to provide that people would be allowed to bring a proportionate amount of water rights for an addition to an existing residential structure, rather than having to bring the entire amount.**
- 2. Staff recommends adding an administrative fee of \$1,600 to the \$15,000 per afy.**
- 3. Amend Section 2.4 of the procedures dealing with retrofits to extend the deadline to verify retrofits to the end of the fiscal year.**

Mr. Lyons noted, with regard to the proposed administrative fees, that the amount of water people will be asked to offset for a new development is actually lower because of the new water use study – from 0.25 afy to 0.15 afy.

## **Public Hearing**

### **Speaking to the Request**

There was no one speaking for or against the Ordinance.

### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Vigil asked where the fees will go, and how they will be used..

Mr. Lyons said the City will be incurring \$12,000 annually for administrative operating expenses for professional services to maintain and update the WaterTrak software which will be used to track conservation, and it will interface with the City's water bank in the allocation or dedication of new water for offsets for new development. He said \$2,000 will be used for general operation material expenses, \$5,000 to \$6,000 for printing and publication costs for mailing inserts for the Water Conservation Programs. He said the proposed administrative fees will cover these costs. He said an administrative fee of \$1,000 afy would generate only about \$8,000 to \$10,000 if the City sells 8-10 afy annually, which is insufficient to manage the program, so \$1,600 per afy is needed to produce revenue sufficient to manage the program.

Commissioner Hughes asked what has been the response from the citizens and Mr. Ransom said there has been an excellent response.

Mr. Lyons said since the first of the year, the City has generated 6 afy in conservation, primarily from washing machines plus the other fixtures, such as waterless urinals and high efficiency washing machines.

Commissioner Hughes asked the minimum cost of a high efficiency washer which would qualify under this program.

Mr. Ransom said \$500 and up.

Commissioner Hughes said the State will begin its rebate program in April, so people could get a washer for free.

Mr. Ransom said people receive no money from the City, but the water bill is credited for that amount.

Ms. Blackwell said the Finance and Public Utilities Committees asked staff to go back to the Santa Fe Homebuilders Association for comment and input, although said staff has been to individuals they believe to represent that industry. The Finance Committee asked staff to postpone hearing by the City

Council for two weeks to include these few corrections and to get feedback from the Homebuilders, so this won't go to the Council until the end of the month.

Commissioner Lindell has heard that Homewise sells high efficiency washers and dryers, and doesn't charge GRTs. She complimented staff for the huge amount of thought and work which went into this program.

Commissioner Armijo said he heard somewhere that the contingency for water loss is 9.8%.

Mr. Lyons said under the previous ordinance, the additional offset amount was 10%. He said the 9.8% falls under the general term of non-revenue water which includes leaks as well as water to run the utility – main flushing, hydrant flushing. It is water which is produced but is not sold. He said the 9.8% is the number in the latest non-revenue water study.

Commissioner Armijo noted there is a 50% surcharge on excessive use, and asked Mr. Lyons to speak to when this is imposed.

Mr. Lyon said it is for people who enter into an Option B water budget or agree to a conservation contract who use more than the agreed-upon amount. He said the penalty under the previous ordinance was 100%, so this lowers the bar a lot.

Responding to Commissioner Armijo, Mr. Lyons said the City is monitoring water use, and this is an annual amount for the year. If, after the first year, the individual exceeds the allowable water use, they are notified, and given a period of time to come into compliance. If they fail, then the 50% penalty is imposed.

Commissioner Armijo said a disclosure would be placed on the plat of any person on a conservation contract. He said at one point there was discussion about requiring the realtors to notify a potential buyer about this disclosure on the plat.

Mr. Lyons said it is included in the plat and development plan, and it does say, "The representatives of the development project shall provide disclosure statements to prospective buyers." He said it will be a form signed at closing, and they also have to make you aware of it.

Commissioner Armijo asked if this applies to Las Campanas, the County or other customers

Mr. Lyons said it only applies to customers of the City, and doesn't apply to Las Campanas or the County because they are bulk water customers which wouldn't fall under these regulations.

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Bordegary, to recommend approval of the Resolution adopting the proposed Administrative Procedures, to include the changes presented by Wendy Blackwell as follows: 1) Amend Section 2.1.1(h) to provide that people would be allowed to bring a proportionate amount of water rights for an addition to an existing residential structure, rather than having to bring the entire amount; 2) adding an administrative fee of \$1,600 to the \$15,000 per acre-foot; and 3) Amend

Section 2.4 of the procedures dealing with retrofits to extend the deadline to verify retrofits to the end of the fiscal year.

**FRIENDLY AMENDMENT:** Commission Armijo said he would like to amend the motion to provide that the Administrative Procedures with the three amendments, will go to the Homebuilders for recommendations, before it goes to the City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

Commissioner Bordegary commended staff for all of this work, which she believes is something more cities should be doing. She would like an evaluation of the program in 6 months because of the complicated nature of the program.

Mr. Lyons said the rules require the City to post the account balances in the water bank at certain time periods, which will be a good snapshot of the success of the program. They also are required to generate an annual report from the Water Division, so that will be the form you will receive to evaluate the success of the program.

Chair Salazar said this has been a long time coming, recalling the many subcommittee meetings on this item. He believes staff has developed a good project.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

4. **CASE #2010-07. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285± ACRES OF LAND FROM RESIDENTIAL TO BUSINESS PARK. THE AREA IS LOCATED IN THE COUNTY OF SANTA FE EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

*Items #4 through 9 were combined for purposes of staff presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum prepared February 23, 2010, for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Tamara Baer, Planner Manager, Current Planning Division, regarding Cases #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12, is incorporated herewith to these minutes as Exhibit "6."

A Memorandum dated March 4, 2010, to the Planning Commission, from the Current Planning Division, regarding Case #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12 regarding Additional Correspondence, with attached Memorandum dated February 26, 2010 from Fabian Trujillo, Director, Economic Development Division, is incorporated herewith to these minutes as Exhibit "7."

A Vicinity Map for the project, submitted by Scott Hoeft, is incorporated herewith to these minutes as Exhibit "8."

A copy of the "Final Market and Fiscal Impact Study prepared for the Pavilion Office Complex," prepared by Bruce Poster, Southwest Planning & Marketing, dated March 3, 2010, is incorporated herewith to these minutes as Exhibit "9."

Tamara Baer presented information regarding this matter from the material in Exhibit "6." Please see Exhibit "6" for specifics of this presentation, noting the lot split is for final approval, but would have to be conditioned upon the approval of the annexation. Ms. Baer also referred to the enlarged maps and drawings provided by the Applicant which are contained in Exhibit "8."

**Additional condition of approval:** Ms. Baer said an additional condition is recommended by staff which isn't in the Commission packet, regarding traffic, as follows: "that the project secure its approvals for the interchange from the DOT and from the City's MPO, noting the interchange isn't part of the project, but is clearly related to it."

Ms. Baer noted there are additional conditions of approval in John Romero's Memorandum as well as the conditions of approval listed at the back of the Staff Report [Exhibit "6."].

Ms. Baer said Reed Liming, Director, Long Range Planning Division, asked her to convey his support for this annexation and the reasons:

- 1) If the annexation does not go forward and were to develop in the County, the City would not receive the fees, property taxes and gross receipts taxes, but would still have to deal with the impacts of this development if approved in the County.
- 2) If anyone suggests this is the beginning of a domino effect, he disputes that and feels this is one of very few, possibly only two, very large pieces of land immediately adjacent to the City limits. Therefore, it is in the City's interest to garner control and other benefits.
- 3) This is a tremendous opportunity for the City to receive a privately funded interchange on NM 599, which otherwise probably wouldn't happen in the foreseeable project, and would have to be approved by both the State and the City MPO.

**RECOMMENDATION:** Staff recommends approval of all of the applications with the conditions as stated.

Fabian Trujillo, Director, Economic Development Division, reviewed the information in Exhibit "7." Mr. Trujillo said we are in an economic recession and have suffered a lot of job losses in Santa Fe – 3,500 jobs since September 2008. The biggest impact of the jobs loss has been in the construction industry at 1,300 jobs. He is here to speak in the context of stimulating the economy.



Mr. Trujillo said the City's economic development strategy is to work with existing businesses to help them expand in Santa Fe, as well as assist entrepreneurs to grow, expand and develop in Santa Fe through the Incubator or other means. They also have a passive recruitment strategy which is part of that strategy. He said they work with the New Mexico Economic Development partnership projects they bring to the State. He said the ones they have been looking at over the past year have been in excess of 20,000 sq. ft., and are larger in scope, with jobs in excess of 200. He said they responded to seven last year and only one visited Santa Fe, which was a financial services company which would bring roughly 400 jobs.

Mr. Trujillo said they look for projects which have low impacts to the environment, with high wages and which meet our strategy. He believes this would be a project which would be worthy of annexing and approving because it would help on the economic development side and create high wage jobs which are consistent with the economic development implementation strategy.

## **Public Hearing**

### **Presentation by the Applicant**

*Everyone speaking was sworn en masse.*

The members of the staff were introduced: Scott Hoeft and Al Williams, Santa Fe Planning, Mike Gomez, Santa Fe Engineering, Nancy Long, attorney, James Fuller, Broker.

**Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, NM 87504, previously sworn.**

Mr. Hoeft said at the last meeting there was some confusion over the context of the project and how it fits with the overall area.

Mr. Hoeft used the enlargement of the map in Exhibit "8," to demonstrate the subject site. He noted the location of the proposed interchange, and that the right-of-way was obtained some time ago at the time 599 was proposed originally, so it has been on the books for some time. The Jaguar Road extension connects to the interchange. He said heading in the other direction is the new entrance to the airport, which would serve as access to their site to south. He said Tierra Contenta is to the east, the Komis land is to the east/south is the Komis land, noting he also has a smaller business park. He said the Historical community of La Cienega is to the South, and the Airport is to the West. He noted the location of the new area which is in the presumptive City limits which was adopted last year and the Komis Business Park, noting the Aviation Business Park to the North which is owned by the City. He said his firm worked on this 10 years ago for the City to develop a business park for aviation related uses at the time. He said the interchange also will provide access to that business park as well.

Mr. Hoeft said when you look at this map, the site is pretty much surrounded by the City of Santa Fe, with an exception to the south where the Historic Village of La Cienega is located and which cannot be annexed.

Mr. Hoeft said what brought them to the City is that the north part of their site is in the presumptive City limits, and the south part of the site is in the County. He said about a year ago, they had a decision to make – should they go to the County to get the “top part out, or should we come to the City and get the balance in, and we elected to come to the City and get the balance in, and we thought again that was the right decision, given what we wanted to do with the project.”

Mr. Hoeft said there is quite a bit in the application, but it really isn't that complex. There are 6 things, and the way it's organized, it seems like “gee, we're asking for an awful lot.” He said, “Pretty much what we've got going on here, is the top part of the site, because it does exist as one parcel, this 371 acres, is essentially two parts, and it was a mistake. Okay, the top part of the site is already in the City of Santa Fe, so that just needs to be changed in terms of the zoning. The bottom portion of the site needs to be annexed and it needs to be zoned, and then we need to have two parcels created to correspond with the zoning, C-2 and then the BIP. That's it. That's kind of what all of those cases are, are pretty much that issue. The general plan amendment is simply that we need to amend the general plan consistent with City policy. So, so far, does that all make sense.”

Mr. Hoeft continued, “What I wanted to get into now is the site and the design intent. I think the first thing that you can notice by looking at this is the amount of green, and that is intentional from a design standpoint. The first thing we do as land planners, is we look at the site and we determine the areas that would be best not to develop. And, the areas that spring out are the areas to the south. And, you can't tell it from this map, but if you look at an ortho topo, if you look at a slope analysis map, you'll see that a good portion of the southern portion of the site here is steep topography. So you see households along here on the bottom of La Cienega, it's not as if they're looking right out at the project. There's a pretty steep grade that heads up to our area here, okay. So the first thing we did is we take the steep grades along the south and we put that into an area that is open space. And consistent with the Highway Corridor Plan, we had a buffer that went along 599, which is consistent. And, then the other green areas that you see are, one, the arroyo that runs through the property and then other areas that are 30% slope or greater. And, so those are all areas that we want to preserve. And roughly, if you've got 321 acres, it is roughly about 150 acres, and about 40% of this site is open space.”

Mr. Hoeft continued, “And when you begin to look at the design itself, and the end position of the buildings, based upon the areas that were left on the site, in consideration of the buildings paths and how ultimately we wanted those buildings to be positioned. So that's generally how we start planning the site, and how we got to the uses and densities that we came to say. Now, part of the uses, and Fabian began to touch on it, is that this is earmarked for large scale uses. This is office, light manufacturing and warehousing, and this is the demand that we see in Santa Fe that is retail that we could tap. And, so this isn't a small business park, this is a larger business park. It's a business campus, and you can see the density in your staff report of ultimately where we are with that.”

Mr. Hoeft continued, “Another thing I'd like to talk about is phasing. Tamara touched on it briefly, and we have a project right now, phased in two phases. And I believe that we will look at that again in consideration of the infrastructure costs. We're required to bond consistent with the amount that we need to put into that infrastructure. We have it in two phases, because this a build to suit project. This isn't going to be spec building. We're not going to put up huge 50,000 sq. ft. buildings and then wait for

somebody to come. This is a build to suit project. And so the phasing we did initially, is that the north and south phases would fill the retail area towards and north. And retail, what I mean by... is a hotel use, and then two restaurant uses, and an office building in this area here. And then, as you get into the campus to the south, we have all industrial toward the back part of the project, with the main office campus being in the center. We really need two phases to give ourselves flexibility, but ultimately, I concur with Tamara, that we're going to probably need to refine that as we go along here."

Responding to Chair Salazar, Mr. Hoeft pointed out the new road to the Airport.

Mr. Hoeft continued, "So, going to some of the points that Tamara mentioned earlier, I just want to touch on those briefly, the phasing I just did and how I believe that we need to sit down and take a look at that a little bit more and refine that. But, I wanted to highlight that this is very conceptual. When you're submitting for a rezoning, a general plan amendment and annexation, you're coming in with a conceptual plan at the level of a master plan, and know that each subsequent portion of the project that we bring in, it'll come back to this board in the form of development plan."

Mr. Hoeft continued, "Trails and Open Space. We touched on trails and open space on here, but what I wanted to do is just highlight that we did sit down with Bob Siqueiros this week and get his opinion, and how we see the trails working as essentially connectivity with the trails program in Tierra Contenta. So the interchange is designed to have a path across it, a bike path, so that people can bike from one side of the highway to the other side of the highway and enter the site. And then throughout our open space on the project, through the arroyos and then ultimately connectivity with the County, is essentially what Bob was looking for, and so we, of course, will continue to meet with Bob and meet his demands. We also talked about possibly a park off in this area here to the south which is in an arroyo."

Mr. Hoeft continued, "You know, one thing that came up in one of our neighborhood meetings... was by an individual named Andy, that Al met with this week. He had a concern about people coming onto the site, off into the south area here, and partying, and how we needed to do something about that. And, I'm not sure Andy is here this evening, but we did meet with him, and what we agreed to was to string a fence where his fence ends over where to where the entrance is, put an emergency gate there or a Knox-Box™ ultimately and then run the fence through the arroyo so that we could eliminate that activity back in the project."

Mr. Hoeft continued, "And then again, traffic and circulation, I think I touched on that in the beginning, but let me just follow up on that again, because I think it's a critical point of this project. As we discussed at the last meeting, the Jaguar extension is something that we're required to put in and it's a condition of approval. The interchange is something that we're already pretty far along on. You know, we accomplished quite a bit in 2009. We received approval from the Access Control Board just two weeks ago, and the next step at this stage, is to go through with the DOT which has been very cooperative, and go through the 30% completion, the 60% completion, the 90% completion and ultimately get the interchange design. So, that is... we're at that point to where we can start that. And then the other component to it is the new entrance to the Airport, which again, is something that was a part of our earlier plans with aviation business park, that is, of course, something that, according to the conditions of approval, that we are required to do. And then the last component is, according to John, he wanted us to

have a stub-out to the south just in case there could ever be a road that comes from the frontage road down on 599, and we're willing to do that as well."

Mr. Hoeft continued, "So, in summary and conclusion, before I turn it over to Bruce, let me just say that I think I touched on it earlier, but the other benefit of this project is that Aviation Business Park, a City owned project, will have access. The Santa Fe Trails is something that we can't underestimate, which, as I pointed out on one of the plans....is that we already have had meetings and discussions with Santa Fe Trails, and they will cooperate with us to have a bus run, on a regular basis, obviously the specifics to be determined at the time, from the Rail Runner stop to the interchange and into the site to drop off and pick up and take people back to the Rail Runner stop. That's just a few minutes down the road and it would be a great asset for the project. Keep in mind that this a project over time and we have a 15 year horizon, so the densities that you see are spanned-out over 15 years. If you consider Rodeo Business Park, 55 acres, 400,000 sq. ft. You know, that took some time to ultimately get developed. So, just keep in mind that this is, you know, quite a bit of horizon here."

Mr. Hoeft continued, "Tamara's already touched on Reed's point with the employment, and Exhibit A-8 touches on that, the amount of employment that will bring. I think something that is to consider is, with the interchange and Jaguar, which goes to the case later on with Dave Thomas, is the traffic that's going to alleviate on Airport Road. This has already been considered the back door to Tierra Contenta, so folks don't all have to shuffle out to Airport Road and then come back around to I-25. This will alleviate traffic on Airport Road and folks can immediately access I-25."

**Bruce Poster, Southwest Planning & Marketing, 3600 Cerrillos Road, #107.** Mr. Poster said he has conducted market research and assessment in Santa Fe for more than 30 years, and has worked for the City, the County as well as in the private sector. Mr. Poster said he was asked to conduct an independent assessment of the project from the market standpoint as well as from an impact standpoint. Mr. Poster presented the information in Exhibit "8", highlighting information as follows.

Mr. Poster said there is a preliminary report in the packet, and he has done additional work on that report, noting the updated report was provided before the meeting [Exhibit "8"]. He said it is clear the site is proximate to where much of the commercial and residential growth is happening in the urban area. He said you have been told about the access it provides, and its proximity to the Rail Runner station, noting there are other business parks already in the area. He worked with the County several years ago on the Airport Redevelopment District just north of the project, and this use is compatible with the County's vision for the area.

Mr. Poster said they feel this is very compatible with the City's goals as described by Mr. Trujillo, in terms of attracting a number of high wage jobs, and adding to the City's business infrastructure by providing a large developed site with infrastructure. He said it will have a positive impact on the tax base, but will have no negative impact on the school system as a commercial project. He talked about the severe recession, saying most economists think we'll pull out of it this year.

Mr. Poster said the primary market for the project will be large scale office, live manufacturing, and warehouse projects. It will serve both the public and private sectors in terms of offices for federal, state or local governments as well. It can serve suppliers for LANL.

Mr. Poster said examples of prospects looking for space in Santa Fe: an insurance processing company looking for 125,000 sq. ft., a packaging plant looking for 20,000 sq. ft., at least 3 firms looking for 50,000 to 75,000 sq. ft. for executive headquarters. The secondary uses will include retail, restaurant and hotel uses, and persons flying into the Airport could take advantage of the proximity to the airport.

Mr. Poster said, in terms of competition, there are a limited number of places in Santa Fe, where there are large lots in this kind of campus environment. As Mr. Trujillo said, Las Soleras will have 100 plus acres of office space, the Hart Business Park has 50 acres, noting one tenant is already using 8 acres and Coca-Cola will use another chunk of land, so there's not a whole lot left there. He said there is 40 acres in the City Airport Park, currently lacking infrastructure or financing to move forward, and Komis's park is 58 acres. The other potential competitors are Oshara in the County, which isn't as good a location.

Mr. Poster said none of the competitors would have the Pavilion's scale, and few have infrastructure or financing to do that, and to do the build to suit, nor the pricing structure to make this affordable for a large scale project. He said they have been told by both State and local economic development planners that there is a need for this type of project today.

Mr. Poster spoke about the potential absorption, and they estimate the historic absorption rate has been about 300,000 sq. ft., which will be built at about 70,000 sq. ft. a year, equivalent to about 23% of that absorption rate.

Mr. Poster spoke about the jobs that will be created, plus the employment impacts of construction, which is estimated to be 2,748 job years, which spread over 15 years, is 183 full time jobs per year. Using the multipliers, there will be 26 indirect jobs per year, \$100 million in construction wages annually, and about \$70 million in indirect wages. There will be 2,400 indirect jobs. There will be a total of about 5,000 jobs once this is fully built-out, in addition to the construction jobs – \$175 million in direct and indirect wages annually.

Mr. Poster said the GRT revenues are amazing for a project of this size and will generate approximately \$20 million annually after it is fully operational, and \$300,000 in property tax to the City and \$800,000 to the Public Schools, \$450,000 to the Community College. It will generate an additionally \$140,000 in Lodger's tax annually from the hotel. He noted impact fees will be paid to offset the capital costs, many of which already are being paid by the developer through all of the off site improvements which would be made as part of this project.

Mr. Poster said, in conclusion, the country is pulling out of the recession, there will be a need for this kind of space and there aren't other good places for it. The project seems to be very compatible with the City economic development strategy, it will provide some high paying jobs and tax revenues at a time when the City needs it. There are few other locations for this kind of large scale development, and predicts it can be absorbed in 15 years.

Mr. Hoeft asked about the one condition of approval relating to the issuance of the building permit relating to the DOT.

Ms. Baer said staff is recommending that prior to building permit application that the approval be secured from the DOT. She said staff wouldn't recommend that they can't get a grading or utilities permit, just a building permit for building construction.

### **Members of the Public Speaking to this Request**

**Dave Thomas, Project Engineer, Tierra Contenta Corporation, 6004 Jaguar Drive, Santa Fe 87507, was sworn**, said he would reiterate what was said at last month's hearing. He said they believe this project will enhance Tierra Contenta in its ability to provide housing. He said they always have envisioned employment centers close to Tierra Contenta, and this fulfills that dream. He said they believe the fit is good, provides a large employment base, and Tierra Contenta provides a large residential base for that employment base. .

**Paul Sandoval, 4200 Cuerno de Vaca, Santa Fe, was sworn.** Mr. Sandoval said he is a resident and came for information, pointing out the area where he lives on the map. Mr. Sandoval said some of his questions were answered this evening. He said his concern and the concern of some of the people in the neighborhood, if this becomes commercial, are related to the lighting, noting this is a very rural and very peaceful area. They are also concerned about the trails. He said he and Mr. Vigil, who couldn't be here this evening, are also concerned about the end of the residential area at the end of their road, there is no barrier or a fence, and it has become a dump. He said Mr. Cook has no concern now about people dumping there, and nobody cleans it up. They would like to have something done there. He noted that Cuerno de Vaca would become an emergency exit. This is a dirt road and he asked if it would be paved or maintained, noting the County doesn't maintain it, and it becomes a "mud pit" in the winter. He said there also are children in the area. He said they are concerned about what kinds of traffic would be using that road. He said when it rains the water comes through the arroyo at a rapid rate on the other side, noting the location on the map. He said the County just put a bridge across the arroyo because people's cars are getting flooded, and they are concerned what would be done in this area.

### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Lindell said when Mr. Hoeft was reviewing the areas presented by Ms. Baer – the phasing and annexation agreement, trails and open space, traffic and circulation, he did not address the Highway Corridor Plan. She asked Mr. Hoeft if he would like to do so.

Mr. Hoeft said the issue is that the Highway Corridor Plan "called off" 300 feet from 599 into the site, and they maintained that for a good part of the distance. He said they have maintained 300 feet from 599, but they can't maintain that from the actual land. He said he and Ms. Baer discussed figuring out a way they can put more green space "along here, combined with landscaping buffer to try to shield that a little mind." He said, "Keep in mind that you are coming up, so this is high ground here, and so, as you're driving 599, at a typical intersection, is that you're coming up on top. So, on 599 you really don't see this

area as much, you'll see it when you are on the ramp. But, to go to Tamara's comment, we will agree to maintain a buffer and landscape buffer in this area.

Commissioner Lindell asked if the City has adopted the Highway Corridor Plan by Resolution.

Ms. Baer said it was never actually adopted.

Commissioner Lindell said she knows it wasn't adopted by ordinance, and asked if there was a resolution.

Ms. Baer said the last thing which happened as she understands it, is that it was sent back and the City was supposed to look at it further and possibly develop it into an ordinance, but it never happened, noting that has been more than 10 years ago.

Commissioner Lindell said she is very concerned about having a buffer in that area. She said she doesn't think we want to go in the direction of developing right up to the bypass. This is a major concern she has with this plan. She said economically it is a very good plan right now, and the numbers are great in these times. However, she is concerned that we don't build right up to NM 599, and doesn't want to see that happen.

Commissioner Lindell asked Mr. Hoeft if he would like to address some of Mr. Sandoval's concerns – lighting, the dumping taking place currently, grading or paving of Cuerno de Vaca and its maintenance – and see that some of this is addressed.

Mr. Hoeft said, with regard to lighting, as they proceed with the project, they will have to submit a lighting plan. He understands there were complaints in Tierra Contenta about the lighting at the FedEx building which eventually had to be replaced. He said, with this in mind, he and Ms. Baer are already discussing the developing of an intelligent lighting plan.

Mr. Hoeft said they have provided buffers to the south which moves the project 300 feet from the residential areas, and they need to develop an intelligent lighting plan as they move forward.

Mr. Hoeft said there will be a trails network, which will be incorporated with the City. He said, "Theoretically, what will happen is that the trails that you walk over in this area, you will be able to ultimately head over to Tierra Contenta across a footbridge that's on the interchange. And so you'll be able to actually head over to that trails network as well. That's something we're working with Bob Siqueiros on."

Mr. Hoeft said, with regard to the fence issue, they have talked about that issue, and have met with the neighbor, and they can take care of this right away. He said "Phil, our project manager has indicated that's not a problem. What he's looking at, is this gentleman here, who lives right here, Andy, as we have talked about, suggested that we put up a fence that we run over to the entrance right here, where the dumping and partying is going on, that we put a gate there, and then we continue to run that over to

the arroyo. And so that's something we're willing to do... and we can buy everything and do that pretty quickly, immediately."

Mr. Hoeft said they see emergency access working with a Knox Box™, which will be utilized only in an emergency, and he sees the road being used only for emergency access, and doesn't believe it will be paved. He said it won't be used for construction, and cars won't be driving in that area. His guess is that there will be a gravel base course on the road and improve it so an emergency vehicle can traverse the road safely in an emergency.

Commissioner Gonzales said in talking about land use planning for property, we always have to keep in mind what is the best use for the property. He said this plan is the best use of the property for many reasons. The site is located between the Airport and the Rail Runner, and it is easy to access off the Interstate and NM 599. He said it is his opinion that the applicant provided the best use for this property. He said he works for the DOT, and the District staff has progressed fairly with obtaining the access control, committee support, and he has seen no red flags for the project.

Commissioner Gonzales said he really hopes we can get transit service for Tierra Contenta residents for those who might work on the campus.

Commissioner Gonzales said, with regard to Mr. Trujillo's remarks, he is a member of the New Mexico Partnership Board which works to assist the Economic Development Department to recruit businesses from outside to New Mexico. It is hard to do this, and even harder without the appropriate facilities. He said a campus such as this one, would be attractive to the businesses they are trying to bring to New Mexico. He appreciates Mr. Poster's presentation and that jobs can be created. He said the benefit of new revenue to the City is important in paying for services, and it would be great to get that in this annexation. He said, in his experience, if a lighting plan is good enough for the FAA, it should be good enough for the committee, nothing there shouldn't be a lot of light out there.

Commissioner Gonzales said he likes the project and stands in full support.

Commissioner Mier said it was mentioned that there would be some enhancements to the green belt as it goes toward the Interchange, and asked if there will be additional enhancements, or plantings of additional barriers as we go south toward La Cienega.

Mr. Hoeft said they really haven't gotten this far, noting there is a significant slope going toward this area, so there is an elevation change from ground to top of 30 feet or so. However, they haven't thought about whether or to add additional vegetation on the property in that area.

Commissioner Mier said this is a rural community, and this is a significant development. He is in full support of the project, but he wants to see protection to the extent possible of the rural nature which exists today without lighting up the skies like Albuquerque does over the hill.

Mr. Hoeft said the hatched area on the map is earmarked for a proposed conservation easement in consideration of this concern. He said the goal is to have a significant buffer "and much as we can get



away with to the south" to keep it as undisturbed area and to protect the community.

Commissioner Mier said, for the record, he really appreciates his approach in working with the community and listening to their concerns in La Cienega. He grew up in the rural community of Agua Fria, and knows there are places where kids like to go and party and it does create a problem. He said perhaps Mr. Hoeft would be willing to go out immediately and clean up the area and secure it in a way that we don't have the problems which Mr. Sandoval mentioned earlier.

Mr. Hoeft said he sees that happening.

Commissioner Mier said he is a member of the City Public Safety Committee, and sees nothing in the proposal from City Police or Fire with regard to impact of the project, which is critical.

Mr. Hoeft they have received a letter from the Fire Department. He said there is a station in Tierra Contenta and Mr. Thomas has indicated that is being staffed, noting it isn't related to this project, but it does increase staff. He said there is a new Fire Station at the Airport, and they have met with Jim Montman who is excited about the new entrance into the Airport.

Commissioner Gonzales said we need to keep in mind that the new Airport Station is an FAA mandate and it will be minimal in terms of staffing.

Mr. Hoeft met with the Fire Chief and presented the plan to "him," and indicated that this project will be served by both of those stations in an emergency, which is how "he" saw it working.

Mr. Hoeft said they have received nothing from the Police Department, noting a private security company will patrol the project site.

Commissioner Mier recommended that this proposal be taken to the Public Safety Committee for discussion and input, and the Police Chief should have the opportunity to write a letter of comment or support. He said Chief Wheeler expressed concern to Public Safety with the annexation of the south side because the Police will be stretched to the limit, and this is additional, commenting he believes this is critical.

Commissioner Mier asked if "that" is the single point of access over the interchange to the development.

Mr. Hoeft said there is a point coming into the site from the interchange, two emergency accesses to the south. He said they started on this project more than 10 years ago, and met with the La Cienega community who had concerns about putting additional traffic on County Road 54. This is the reason it was shown as emergency access and this was carried forward. There is another access to the south which is a stub-out to hook up with a frontage road, if that was ever to occur.

Commissioner Mier said he is sure there is a means to ensure that the emergency access points won't be used, and Mr. Hoeft reiterated that these will be "Knox Locked."

Commissioner Bordegary said this is a great opportunity in so many ways which were recounted this evening. She is most excited about the job opportunities which are within a reasonable distance from where they live. She is delighted that "it really would be a side benefit if it's a trail connection to existing trails in Tierra Contenta."

Commissioner Bordegary asked Mr. Sandoval if he is interested in connecting to new trails or he primarily is interested in keeping them separate/safe.

Mr. Sandoval said his concern is that this is all is open area currently, and if this becomes commercial it would take all of the property away where people hike and walk their dogs. He said people move to La Cienega to get away from the rush and commercial, and to have 2.5 acres. Now, suddenly, there is this huge development, and they are just trying to determine what is coming their way.

Commissioner Bordegary asked staff if they are familiar with the existing trails in the area.

Mr. Hoeft said his partner, Al Lilly met with Bob Siqueiros, and asked him to speak to this issue.

**Al Lilly, previously sworn**, said he met with Bob Siqueiros and Keith, and discussed the opportunities for connecting to the existing trails, more so to the Arroyo Chamiso Trail. He said the existing trails are informal trails, many from ATVs, people hiking, riding and also just running trucks out there. He said there is some dumping, although it isn't an established dump. He believes putting in the fencing and the break-away gates will resolve most of the problem. He said, in terms of trail connectivity, they are "absolutely dedicated or committed to putting in a connection to go to the Arroyo Chamiso Trail. It will cut underneath, actually the highway. There's already an existing culvert that's pretty high and there's room to go under there, plus you'll have the trail that will go across the top of the overpass. So it will add some water, it'll still be a connection, so I still think the neighborhood can still walk the trails, walk the arroyo. We're not going to be changing the arroyo at all, so that will be open space."

Commissioner Bordegary asked Mr. Lilly if he is speaking of the Arroyo Chamiso right near the interchange.

Mr. Lilly said that is correct and that goes all the way to St. John's School. He said Mr. Siqueiros was very excited about the potential to make that connection. Mr. Lilly believes it will add a safety element to the area in terms of having development and will not eliminate the possibility for people to walk along the arroyo.

Commissioner Bordegary said trails aren't just for recreation and this is an opportunity for us to tie into a transportation network circulation, so people will walk or ride their bicycles to work.

Mr. Lilly said they are in agreement with that, pointing out that this is a schematic plan, and they will meet again with Keith and Bob later once they are in development planning. There also is the opportunity to develop a small park system and trails for bicyclists, pedestrians and the people who work in the area. Mr. Lilly said he will contact Mr. Sandoval after the meeting.

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-07, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

5. **CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76± ACRES OF LAND LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL, AND AN ADJACENT 10.8± ACRES LOCATED IN THE COUNTY FROM RESIDENTIAL TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-08, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

6. **CASE #2010-09. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-09, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

7. **CASE #2010-12. LOT SPLIT FOR THE PAVILION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE 371± ACRES INTO TWO LOTS. TRACT 1-A WILL CONSIST OF 285± ACRES OF LAND. TRACT 1-B CONSISTS OF 87± ACRES. THE PROPERTY IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-12, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

8. **CASE #2010-10. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285± ACRES OF LAND FROM R-1 TO BIP. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-10, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

9. **CASE #2010-11. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 98± ACRES OF LAND FROM R-1 TO C-2. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-11, with all conditions as recommended by staff.

**DISCUSSION:** Commissioner Lindell reiterated her comments with regard to rezoning to C-2 – that she hopes to see good buffering, some open space and that we don't see development directly up against the highway, and asked to make that a condition of approval as a friendly amendment to the motion.

Chair Salazar said staff mentioned in the Staff report the buffer would go all the way to the side of the northern property, and asked if this is a condition of approval.

Ms. Baer said this already is a condition of approval.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

## **F. OLD BUSINESS**

10. **CASE #2009-97. TIERRA CONTENTA PHASE 2C REVISED FINAL PLAT AND DEDICATION PLAT. DAVID THOMAS, AGENT FOR TIERRA CONTENTA CORPORATION, REQUESTS FINAL PLAT APPROVAL FOR 61.37± ACRES, CONSISTING OF 6 TRACTS FOR DEVELOPMENT TOTALING 32.73± ACRES, OPEN SPACE TRACTS TOTALING 24.89 ACRES, AND ROAD RIGHTS-OF-WAY TOTALING 3.75± ACRES. THIS APPLICATION INCLUDES VARIANCES TO DISTURBANCE OF SLOPES STEEPER THAN 30% AND EARTHWORK CUT AND FILL SLOPES GREATER THAN 15 FEET IN HEIGHT. THE SITE IS LOCATED ON THE WEST END OF TIERRA CONTENTA MASTER PLAN COMMUNITY, ADJACENT TO NM 599, AND**

**IS ZONED PRC (PLANNED RESIDENTIAL COMMUNITY). (DAN ESQUIBEL, CASE MANAGER). (POSTPONED FROM FEBRUARY 4, 2010).**

A Memorandum prepared February 24, 2010, for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Daniel Esquibel, Land Use Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

Tamara Baer presented information regarding this matter from Exhibit "10." Please see Exhibit "10" for specifics of this presentation

**Presentation by the Applicant**

**Dave Thomas, Tierra Contenta [previously sworn]**, said there have been no changes or additional conditions of approval placed on the project. He believes they presented it adequately at the meeting in early February, and said he would just stand for questions.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed.**

Commissioner Hughes said having this discussion on the Pavilion first, has cleared up a lot of ambiguities for him.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Hughes, to approve Case No. 2009-97 with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

**G. BUSINESS FROM THE FLOOR**

Dave Thomas extended an invitation to the Commission to conduct another study session on Tierra Contenta to bring them up to date, or to invite them to come out for an orientation and a tour which he would like to do. He said this can be done individually, in pairs, or en masse.

Chair Salazar asked Ms. Baer if she can set this up, and Ms. Baer said yes.

Commissioner Gonzales said there are covenants in Tierra Contenta. He spoke about his uncle's experience with a shared driveway, and his efforts to resolve that issue. He said it is a big safety concern for his uncle who has an autistic child.

Mr. Thomas said Tierra Contenta has been working with the City Fire Department to post some signage that it is an emergency vehicle lane and there would be no parking. He said a shared driveway is an agreement between two neighbors, noting Tierra Contenta is not a party to the covenants, and has no enforcement authority, nor does the City get involved in enforcing covenants.

Ms. Baer said this is correct.

Mr. Thomas said they are trying to make it a traffic and safety issue in areas where neighbors aren't cooperating on a shared driveway. He spoke with people from the City and is rather surprised nothing has been done. He will follow-up with Code Enforcement on what they're doing, in terms of going out with the Fire Department, noting they did this previously for a person with a severely disabled child whose driveway was being blocked.

Mr. O'Reilly said the City can take action and has a plan for taking action which he will discuss with Commissioner Gonzales outside the Commission meeting.

**James Hicks, Executive Director, Tierra Contenta [previously sworn]**, said, due to the action taken this evening, and the large tract of land it sold to the Pavilion to develop our commercial land within Tierra Contenta, they are now free to move forward with other plans within Tierra Contenta. He said they have big challenges ahead. They met yesterday with parties from the School for the Deaf, which owns half of the remaining land in Tierra Contenta. He said there will be big changes coming up soon, and Mr. Thomas' invitation for a meeting is a good idea, and he encourages the Commissioners to be part of that. He said they need as much support as possible to make some of the changes which will benefit the entire City, noting he is happy with the direction in which they are going currently.

## **H. STAFF COMMUNICATIONS.**

Ms. Baer said she no longer serves on the Tierra Contenta Board.

Ms. Baer said we will not be holding a second meeting in March, and the next regularly scheduled meeting will be the first regularly scheduled meeting in April 2010.

Ms. Baer said the Las Soleras project was recorded today.

Ms. Baer asked if the field trip to Tierra Contenta could be scheduled for the second meeting in April.

It was the consensus among the Commission to schedule the Field Trip on April 15, 2010, at 5:30 p.m.

**I. MATTERS FROM THE COMMISSION**

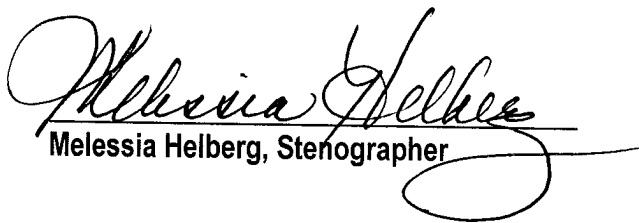
There were no matters from the Commission.

**J. ADJOURNMENT**

There was no further business to come before the Commission and the meeting was adjourned at approximately 9:00 p.m.

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**John Salazar, Chair**



**Melessia Helberg, Stenographer**